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Docket No.: 36488-167637
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daniel V. EAST et al.

Application No.: 09/982,852

Art Unit: 3621

Filed: October 22, 2001

Examiner: C. O. Sherr

For: SYSTEM, METHOD AND COMPUTER
PROGRAM PRODUCT FOR A FAIL-SAFE
START-UP MECHANISM FOR CLIENTS OF
A LICENSE SERVER

Customer No:

26694
PATENT TRADEMARK OFFICE

**REQUEST FOR RECONSIDERATION
IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated January 27, 2005, please review the attached request for reconsideration in the above-identified U.S. patent application as follows.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are needed to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims), and any other fee deficiency are hereby authorized to be charged, and any overpayments credited, to our Deposit Account No. 22-0261.

Remarks/Arguments begin on page 2 of this paper.

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Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-24 remain pending in the application, with claims 1, 16, and 24 being the independent claims.

Based on the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn and that a notice of allowance, or a new office action be mailed.

Telephonic Interviews

Applicants acknowledge the Examiner's agreement to hold a personal interview on April 14, 2005, a copy of the interview summary faxed to Applicants on July 22, 2005, is attached hereto. As noted, all independent claims were discussed as well as the outstanding rejection. The interview included Applicants' representatives Mr. Ralph P. Albrecht and Ms. Caroline Swindell, as well as Examiner Ms. Cristina Owen Scherr and Supervisory Examiner Mr. Salvatore Cangialosi. During this discussion, agreement was reached to withdraw the current non-final office action, to reset/restart the time for response, and to either issue a new office action, or to allow the case, during which time, the case would not be considered abandoned. However, a new office action has not yet been issued in the case, nor has a notice of allowance been received, as of the date of the mailing of this request for reconsideration.

On July 26, 2005, Applicants' representative conferred with Supervisory Patent Examiner Mr. James Trammell, since Examiner Ms. Scherr was unavailable, being out of the office until August 9, 2005. SPE Trammell, asked that a copy of the interview summary be submitted along with a brief response noting the contents of the interview summary, in order to stop the tolling of the response period for the outstanding non-final office action. Since the Examiner had previously agreed to withdraw the current action and to issue a new action, restarting the period for response, it is believed that NO extensions of time are required to be paid, or petitions made. However, should it be later determined that such petitions and/or fees are required, to avoid abandonment of the above-captioned application, Applicant hereby petitions for such extensions and grants the requisite authorization to charge Applicants' Representatives' Deposit Account No. 22-0261, and respectfully requests notice to that effect to the undersigned at (202) 344-8166.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Dated:

7/27/05

Respectfully submitted,



Ralph P. Albrecht

U.S. PTO Reg. No.: 43,466

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